IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Crl.Rev.Pet.No. 1337 of 2007()

CRA.41/2004 of ADDL.SESSIONS COURT (FAST TRACK III), TRIVANDRUM
ST.102/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT-V (SPECIAL COURT FOR MARKLIST CASES), TRIVANDRUM

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REVN. PETITIONERS: APPELLANTS/ACCUSED 1 & 2:

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1. TAXI DRIVERS CO-OPERATIVE SOCIETY LTD
   NO.142, OFFICE AT SUPER- TEC BUILDINGS, WOMEN'S
   COLLEGE LANE, VAZHUTHACAUD, THIRUVANANTHAPURAM
   REP.BY ITS PRESIDENT JAYACHANDRAN NAIR.

2. TAXI DRIVERS CO-OPERATIVE SOCIETY LTD
   NO.142, OFFICE AT SUPER- TEC BUILDINGS,
   WOMEN'S COLLEGE LANE, VAZHUTHACAUD,
   THIRUVANANTHAPURAM, REP.BY ITS SECRETARY
   VIJAYAKUMARAN NAIR.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE:

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1. ANADAVALLI M.N., D/O V.K.SAROJINI,
   TC 18/2513, ARADANA, MARAPPALAM, PATTOM,
   THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY ITS
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.D.KISHORE
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1337of 2007

Dated this the 5th day of November, 2007

O R D E R

The revision petitioners who are the complainants in the proceedings initiated under Section 138 of the Negotiable Instruments Act have sought for correcting the mistake in the judgment dated 12.4.2007 of this court vide Crl.M.A.No. 10995/2007 wherein the default clause was omitted. It was erroneously mentioned as “without default clause”. It is submitted that the matter, which is the revision application filed by the accused, is disposed of without hearing the respondent/ complainant and on the representation of the accused this court confirmed the order of the court below convicting the accused/revision petitioners and sentencing them to undergo imprisonment till the rising of the court and to pay the amount of compensation but without default clause. It is submitted that the revision petitioners/accused are not prepared to pay the amount thereby the matter will be protracted further.

2. I find that this court has pronounced the above order

at the request of the counsel for the revision petitioners that only sometime is required to pay the amount as the period specified by the appellate court had expired. I find that this court ordered accordingly on the basis of the representation of the revision petitioners and that too without hearing the complainant.

3. In the circumstances, the order of this court dated 12.4.2007 is recalled and the revision petitioners are directed to pay the compensation of Rs.40,000/- each to the complainant and in default, they shall undergo simple imprisonment for three months each. It is submitted that they have already undergone imprisonment till the rising of the court. They need not suffer imprisonment till the rising of the court again. Hence, the revision petitioners are granted two months' time to remit the amount of compensation.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl